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First UA: 48/23 Index: AFR 59/6752/2023 Uganda of May 12, 2023

## **UGANDA PRESIDENT MUST VETO ANTI-LGBT LEGISLATION**

On May 02, Uganda's Parliament passed the 2023 Anti-Homosexuality Bill and sent it back to President Yoweri Museveni. The President has until May 31 to either sign, veto or return the Bill back to Parliament.

The Bill criminalizes consensual same-sex conduct and has retained the death penalty in cases of "aggravated homosexuality". It also allows a 20-year sentence for "promoting homosexuality", which could outlaw any advocacy for the rights of LGBTI persons in the country.

Criminalizing consensual same-sex conduct blatantly violates numerous human rights, including the rights to dignity, equality before the law, equal protection by the law, and non-discrimination.

The President must veto the law and ensure the human rights of all individuals, regardless of their sexual orientation, gender identity and/or expression, are protected.

### **Write to the President of Uganda urging him to:**

- Immediately veto the 2023 Anti-Homosexuality Bill and take steps to protect the human rights of all individuals, regardless of their sexual orientation, gender identity and/or expression.
- Take all necessary steps to condemn discriminatory violence and to take actions to protect LGBTI people and human rights defenders from discriminatory attacks that are fueled by the discussions around the Bill.

### **Write to:**

President Yoweri Museveni  
Parliament Avenue  
Kampala, Uganda  
Email: [info@statehouse.go.ug](mailto:info@statehouse.go.ug)  
Twitter: @kagutamuseveni

### **And copy:**

Her Excellency Joy Ruth ACHENG  
High Commissioner  
High Commission for the Republic of Uganda  
350 Sparks Street, Suite 601  
Ottawa, ON K1R 7S8  
Tel: (613) 789-7797 Fax: (613) 789-8909  
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## **ADDITIONAL INFORMATION**

The 2023 Anti-Homosexuality Bill is not the first time the Ugandan Parliament has attempted to criminalize homosexuality. Since the striking-down of Uganda's Anti-Homosexuality Act in 2014, there have been repeated efforts to proscribe homosexuality.

In 2021, Parliament approved the Sexual Offences Bill, which criminalized any "sexual act between persons of the same gender," as well as anal sex between people of any gender, with a penalty of up to 10 years in prison. In August 2021, President Yoweri Museveni vetoed law, the Sexual Offences Act. In a letter written on August 03, 2021, addressed to Speaker Jacob Oulanyah, the President said the legislation needed to be reviewed to address redundant provisions already in other Ugandan laws.

While the text of the official Bill that awaits Presidential decision has not been made public, details of provisions that have been passed have been disclosed through the parliamentary debate of March 21, 2023. The Bill is one of the most extreme anti-LGBTI laws in the world. Uganda is already among 30 African countries that criminalize same-sex conduct, and this Bill broadens penalties and appears to be the first to outlaw anyone identifying as LGBTI, beyond sexual conduct.

Continued homophobic comments made by the President and other senior state representatives, before, during and after the passage of the Bill, is creating a climate of discrimination against LGBTI people. For example, in August 2022, the NGO Bureau shut down Sexual Minorities Uganda (SMUG) a key LGBTI advocacy group in Uganda, for operating without registering with the NGO Bureau under the NGO Act 2016. On 17 April 2023, a Ugandan court in Jinja, eastern Uganda denied bail to six young peer educators working for healthcare organizations after they were arbitrarily arrested on April 08, 2023, and charged with "forming part of a criminal sexual network." The Uganda Police Force confirmed that it conducted forced anal exams, and HIV testing on the six.

The Anti-Homosexuality Bill is in violation of Uganda's obligations under both national and international law, including Chapter 4 of the Constitution of Uganda which protects the rights to equality and non-discrimination, protection of personal liberty, protection from cruel or degrading treatment, and privacy. The Bill further violates provisions of the African Charter on Human and People's Rights (the African Charter), prohibiting discrimination, cruel or degrading treatment, and prohibition of arbitrary arrests.

The Bill also violates various provisions of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). The UDHR protects everyone's right to express themselves freely, and the right to equality and non-discrimination. Like the African Charter, the UDHR prohibits torture or cruel, inhuman, or degrading treatment or punishment, and protect against arbitrary arrest, detention, and arbitrary interference with a person's privacy, family, home, or correspondence. The ICCPR has similar provisions in its articles 2, 7, 9 and 17.